

**REMARKS**

By this amendment, claims 1-6, 8-13 and 16-23 are pending, in which claims 7, 14 and 15 are canceled without prejudice or disclaimer, claims 1 and 8-12 are currently amended, and claims 16-23 are newly presented. No new matter is introduced.

The Office Action mailed July 8, 2005 rejected claims 1-15 under 35 U.S.C. § 102 as anticipated by *Bogard* (US 6,757,365). Additionally, all the pending claims were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 4, 7 and 8 of commonly owned *Hanson et al.* (US 6,697,474).

Given the claim amendment, Applicants believe the double patenting rejection is rendered moot.

To expedite prosecution, Applicants have amended independent claim 1, which now recites “receiving a telephone call connection request from the calling party, wherein the calling party specifies a telephone number of the called party” and “retrieving an instant messaging identifier corresponding to the telephone number.”

By contrast, *Bogard* discloses (see FIG. 4; col. 7: 36-39) that an IM user is selected from the caller’s buddy list (as maintained on the voice portal 310 or on the IM server 308) or by direct entry of the username(s). Also, in the “Initiate Messaging” process of FIG. 5, the reference describes that at step 502, the caller identifies one or more recipients or, when supported by the underlying IM service, a chat room name. This can be done according to the process of step 402.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Bogard* fails to disclose all the features of amended independent claim 1. Therefore, Applicants respectfully urge the indication that claim 1 be allowable, along with claims 2-6, 8-13 and 15 depending therefrom.

Turning now to the newly added claims, claims 16 and 17 depend either directly or indirectly from amended claim 1, and thus, is allowable at least for the reasons put forth for the allowability of claim 1.

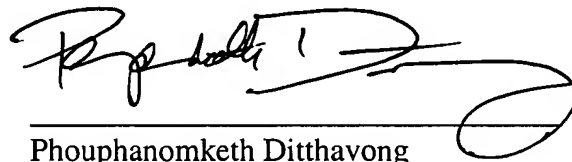
As regard new independent claims 18 and 20, claim 18 recites “a communication interface configured to initiate establishment of an end-to-end voice session between a calling party communicating over a telephone device and a called party, reachable over a plurality of communication methods including instant messaging, based on a telephone number of the called party; and a processor configured to retrieve an instant messaging identifier corresponding to a telephone number of the called party for establishment of the end-to-end voice session via an instant messaging application of the called party.” New claim 20 recites “prompting the calling party with for input corresponding to call treatment of the first call leg if the second call leg cannot be established over a data network to the called party via an instant messaging application.” *Bogard* provides no teaching of these features. Accordingly, claims 18 and 20, as well as claims 19 and 21-23 depending correspondingly therefrom, are allowable. Further, these dependent claims are allowable on their own merits. Claim 19 includes the features of “wherein the instant messaging identifier is stored in a database configured to store user information that includes an alias for uniquely identifying the called party in an instant messaging environment among a plurality of instant messaging environments and destination information specifying one or more communication devices for reaching the called party.” New claim 21 recites “wherein the call treatment further includes leaving a voice message or a facsimile message to the called party.” Claim 22 recites “wherein the voice message or the facsimile message is provided as an e-mail attachment for the called party.” New claim 23 recites “sending an instant message, by an automated call processor, to the called party to determine whether the called party wants to establish the voice communication session with the calling party.”

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

  
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